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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/773,556	02/02/2001	Elizabeth B. Diaz	10005399-1	8054

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EXAMINER

HANSEN, JAMES ORVILLE

ART UNIT

PAPER NUMBER

3637

DATE MAILED: 01/06/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)
	09/773,556	DIAZ ET AL.
	Examiner James O. Hansen	Art Unit 3637

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) Responsive to communication(s) filed on 16 December 2004.
- 2a) This action is FINAL. 2b) This action is non-final.
- 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) Claim(s) 8-17 and 19-27 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) Claim(s) _____ is/are allowed.
- 6) Claim(s) 8-17 and 19-27 is/are rejected.
- 7) Claim(s) _____ is/are objected to.
- 8) Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) The specification is objected to by the Examiner.
- 10) The drawing(s) filed on _____ is/are: a) accepted or b) objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) All b) Some * c) None of:
 1. Certified copies of the priority documents have been received.
 2. Certified copies of the priority documents have been received in Application No. _____.
 3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ . |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ . | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| | 6) <input type="checkbox"/> Other: _____ . |

DETAILED ACTION

1. After further review and consideration, the Finality of the last Office Action is being withdrawn in view of the following Action on the merits:

Claim Rejections - 35 USC § 103

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. Claims 8-14, 16-17, 19-22, 24-25 & 27 are rejected under 35 U.S.C. 103(a) as being unpatentable over Hamirani [U.S. Patent No. 5,673,174] in view of Johnson [U.S. Patent No. 3,803,670]. Hamirani (figures 1-12) teaches of a computer case, comprising: a side panel (one panel of cover 30 – consists of a plurality of panels) having a plurality of holes (note fig. 11 for example); a cover panel (32) for attachment to the side panel, the cover panel having a corresponding plurality of holes (fig. 11); a plurality of feet (42) each insertable through one of the holes in the cover panel and through the corresponding hole in the side panel of the computer case for retaining the cover panel on the side panel of the computer case such that the side panel remains visible around the majority of the periphery of the cover panel. The cover panel having an interior surface corresponding in shape (flat) to an exterior surface of the side panel (depicted in fig. 12 for example). The feet may be viewed as "hole plugs" when given a reasonable and broad interpretation. It is noted that a conventional computer case consists of at least six sides. The sides being covered by some type of panel / cover / casing etc. As such, the position is taken that in the absence of

specific references to the orientation or interconnection of elements of the case within the claims, any side may be viewed as the “side panel”.

Hamirani teaches applicant's inventive claimed structure as disclosed above, but does not disclose the feet used to attach the cover panel to the side panel as being “elastomeric feet” as prescribed and defined by applicant. Johnson (figures 1-5) is cited as an evidence reference to show that it was known in the art to utilize a resilient and flexible “foot” having a cover portion (24), legs (26) extending from the cover portion and a shoulder portion (28) at the ends of each leg [the foot may be viewed as a “hook” as best understood by the examiner] so as to joining adjacent panels together. Accordingly, it would have been obvious to a person of ordinary skill in the art at the time the invention was made to utilize a flexible foot [fastener] as taught by Johnson to secure adjoining panels of computer casing since this arrangement would allow the panels to be fastened together without the use of tools, thereby conserving time [during assembly] and saving money [labor costs associated with assembly]. Additionally, it is further noted that the suggestion to modify the teachings of the prior art (type of fastener) is found in the reference itself [note col. 4., lines 1-3], wherein the prior art notes that any type of conventional fastener means i.e., a “snap” fastener may be utilized to secure the cover panel to the device. It is noted that the method of preparing [painting] elements of the device is not germane to the issue of patentability of the device itself. Therefore, this limitation has not been given patentable weight. Conversely, it is well established that computer cases exhibit a painted / protective coating so as to protect the case's finish while presenting an aesthetically appealing product.

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As to the "method of installing a panel" [Claims 8-10], the examiner has taken the position that the prior art substantially teaches the structural elements of applicant's invention and that the normal use or assembly of the cited structure would inherently encompass the same steps as prescribed by applicant, i.e., inserting a connector through a plurality of aligned holes located on respective panel members.

As to the case comprising a plurality of cover panels for attachment to opposite side panels, the examiner has taken the position that it would have been obvious to one having ordinary skill in the art at the time the invention was made to modify the computer case of the prior art so as to incorporate multiple cover panels depending upon the personal preference or needs of a user, since it has been held that a mere duplication of the essential working parts of a device involves only routine skill in the art.

As to the type of material utilized to form the cover panel, the position is taken that it would have been obvious to one having ordinary skill in the art at the time the invention was made to vary the type of material used to form the cover panel, since it has been held to be within the general skill of a worker in the art to select a known material on the basis of its suitability for the intended use depending upon the personal preference or needs of the user.

4. Claims 11-17 & 19-27 are rejected under 35 U.S.C. 103(a) as being unpatentable over Paterson et al., [U.S. Patent No. 5,547,272] in view of Johnson [U.S. Patent No. 3,803,670]. Paterson (figures 1-4) teaches of a computer case, comprising: a side panel (16 for example) having a plurality of holes (22b, 30b); a cover panel (20a) for attachment to the side panel, the cover panel having a corresponding plurality of attachment means (22, 30) in the same locations of the holes; a plurality of feet (22,

30) each insertable through one of the holes in the cover panel for retaining the cover panel on the side panel of the computer case such that the side panel remains visible around the majority of the periphery of the cover panel (note fig. 4 – outline of the cover panel). The cover panel having an interior surface corresponding in shape (flat) to an exterior surface of the side panel (depicted in fig. 3 for example). The feet may be viewed as “hole plugs” when given a reasonable and broad interpretation. The cover panel having a vent section (26) corresponding in location to a vent (18) in the side panel. It is noted that a conventional computer case consists of at least six sides. The sides being covered by some type of panel / cover / casing etc. The cover being made out of plastic. As such, the position is taken that in the absence of specific references to the orientation or interconnection of elements of the case within the claims, any side may be viewed as the “side panel”.

Paterson teaches applicant's inventive claimed structure as disclosed above, but does not disclose the feet used to attach the cover panel to the side panel as being “elastomeric feet” as prescribed and defined by applicant and does not disclose holes in the cover panel [Paterson shows the feet as being integrally formed with the cover panel]. Johnson (figures 1-5) is cited as an evidence reference to show that it was known in the art to utilize a resilient and flexible “foot” having a cover portion (24), legs (26) extending from the cover portion and a shoulder portion (28) at the ends of each leg [the foot may be viewed as a “hook” as best understood by the examiner] so as to joining adjacent panels together. Accordingly, it would have been obvious to a person of ordinary skill in the art at the time the invention was made to utilize a flexible foot [fastener] as taught by Johnson to secure adjoining panels of computer casing since this arrangement would allow the panels to be fastened together without

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the use of tools, thereby conserving time [during assembly] and saving money [labor costs associated with assembly]. As to the holes in the cover panel, the position is taken that it would have been obvious to a person of ordinary skill in the art at the time the invention was made to modify the cover with the integrally formed "feet" so as to manufacture the cover with holes for receiving a fastener since the durability of the product would be enhanced at a minimal cost to the manufacture i.e., it is less expensive to utilize separate fasteners as opposed to a cover with integrally formed feet that may break off during the cover's removal – cheaper to utilize separate fasteners than to replace the whole cover that is rendered inoperable when the feet are damaged. It is noted that the method of preparing [painting] elements of the device is not germane to the issue of patentability of the device itself. Therefore, this limitation has not been given patentable weight. Conversely, it is well established that computer cases exhibit a painted / protective coating so as to protect the case's finish while presenting an aesthetically appealing product.

As to the case comprising a plurality of cover panels for attachment to opposite side panels, the examiner has taken the position that it would have been obvious to one having ordinary skill in the art at the time the invention was made to modify the computer case of the prior art so as to incorporate multiple cover panels depending upon the personal preference or needs of a user, since it has been held that a mere duplication of the essential working parts of a device involves only routine skill in the art.

Response to Arguments

5. Applicant's arguments with respect to claims have been considered but are moot in view of the new ground(s) of rejection.

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Conclusion

6. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Chen et al., discloses a computer side panel with removable cover panel.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to James O. Hansen whose telephone number is 703-305-7414. The examiner can normally be reached on Mon.-Fri. 8-4pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Lanna Mai can be reached on 703-308-2486. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



James O. Hansen
Primary Examiner
Art Unit 3637

JOH
January 4, 2005